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MISCELLANY.

A Testator's Poor Opinion of Lawyers.—Virgil M. Harris of St. Louis, author of "Ancient, Curious, and Famous Wills," sends the following curious extract from a genuine will, which he declares is the second he has found in which lawyers were criticized.

The late Ezra C. Bartlett, who died in New York in 1912, in his last will and testament, had this to say regarding lawyers and wives:

"I hereby particularly warn you against Probate Judges and Attorneys at Law, and sincerely trust you will not have occasion to consult or employ the latter in regard to this instrument. My personal experience in dealings, social and otherwise, with lawyers has been extensive, and careful observation in other instances has convinced me that they are all dangerous crooks, only disguised, and expressly educated and trained to obtain one's confidence in order that they may defraud and rob with impunity.

"I further declare that I am unmarried, and that no one has any moral or legal right to participate in the distribution of my estate, or the proceeds thereof, on the ground of, or growing out of any alleged intermarriage with me heretofore contracted, and I expressly exclude all such from participating in any manner in my estate or the proceeds derived therefrom."—The Green Bag.

Points in Professional Ethics.—From the New York County Lawyers Association, Committee on Professional Ethics.—Question No. 70. When an accused person has deposited cash bail for his appearance for trial on a criminal charge and has also made a deposit of money with his lawyer, subject to the order of the accused, in case of conviction, and the bail is forfeited, 1. Is it improper for the lawyer to honor an order from his client who has fled to Canada, directing the payment to one outside the State of the deposit made with his lawyer? 2. Is it incumbent upon the lawyer to advise the police officials of the receipt of a communication from his client disclosing his whereabouts and enclosing such order?

Answer No. 70. In the opinion of this Committee there is no impropriety in the lawyer's honoring the order of his client in respect to the disposition of his client's property. The client has not forfeited all civil rights nor his ownership of property by becoming a fugitive from justice. In the opinion of the Committee it would be improper for the lawyer to disclose the information; his obligation to his client, imposed by our law in the interest of the supposedly proper and satisfactory administration of justice, a rule which is binding upon the lawyer, precludes him from making the disclosure to any one without his client's express consent.

The Committee bases this latter opinion upon its view that the

professional relation extends to the date of the communication, notwithstanding the other facts stated in the question.

Question No. 71. W., an attorney, obtains a judgment for his client J. in the sum of one hundred and fifty dollars. After taking an inquest, and obtaining an order for the examination of N. the judgment debtor in supplementary proceedings, W. is approached by C., the attorney for N. and is offered the sum of ten dollars as his own fee in this matter, and twenty-five dollars for J. in full settlement of all claims against N. W., after conferring with his client, decided not to accept this offer. Subsequently C. approaches J. and offers him ten dollars which is accepted in full satisfaction of J.'s claim against N. This is done without consulting or informing W., the attorney for J. Kindly advise me whether this conduct on the part of C., an attorney, is professional and proper.

Answer No. 71. In the opinion of the Committee, the act of C. in approaching W.'s client and settling the proceedings without W.'s knowledge is unethical. Canon IX of the canons of the American Bar Association reads in part as follows: "A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with counsel."

Question No. 72. Is it proper professional conduct for lawyers, members of a legislature which has passed a law instituting a State Commission authorized to approve and supervise the operations of a certain class of corporations, for the performance for the public of certain acts authorized by the law, to permit such a corporation to advertise for such business and solicit the patronage of the public by announcements stating that such lawyers, designating them by their official titles as members of the Legislature, are their counsel?

Answer No. 72. In the opinion of the Committee the conduct suggested is improper; the reference to the position of the counsel as members of the Legislature is too apt to create the impression that that fact gives their client an improper advantage.